

PART XXV FOOD STAMP EMPLOYMENT & TRAINING PROGRAM

<u>CHAPTER</u>	<u>SUBJECT</u>	<u>PAGES</u>
A.	PURPOSE	1
B.	REFERRAL TO FSET	
	1. Eligibility Process	1
	2. Registrant Categories	2
	3. FSET Categories	2
C.	ASSESSMENT	2
	1. Pre-Assessment	2-4
	2. Initial Assessment	4
	3. Procedures	4-6
	4. Plan of Participation	6-7
	5. Reassessment	7
D.	PROGRAM COMPONENTS	7-8
	1. Job Search	8-10
	2. Job Search Training	10-11
	3. Work Experience	11-13
	4. Education	14
	5. Training	15
E.	SOCIAL/SUPPORTIVE SERVICE	15-16
	1. FSET Worker Responsibilities	16
	2. Social/Supportive Services for Registrants	16-17
	3. Duration of FSET Services	18
F.	VOLUNTEERS	18-19
G.	CHANGES/TRANSFERS	19
H.	CONTRACTS	19-22
I.	SANCTIONS	22
	1. Good Cause for Failure to Participate	22-23
	2. Reasons for Applying FSET Sanctions	23-24
	3. Required Documentation	24
	4. FSET Notice of Sanction	24-25
	5. Sanction Process	25
	6. Determining Compliance after the Sanction Is Imposed	25
J.	APPEALS/HEARINGS	26

PART XXV FOOD STAMP EMPLOYMENT & TRAINING PROGRAM

<u>CHAPTER</u>	<u>SUBJECT</u>	<u>PAGES</u>
K.	STATISTICS AND REPORTING	27
L.	LOCAL FOOD STAMP EMPLOYMENT AND TRAINING PLAN	27-29
APPENDIX I	Virginia FSET Agencies	1
APPENDIX II	Employer's First Report of Accident Form	1-2
APPENDIX III	Forms	1-35

A. PURPOSE, FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

The Food Stamp Employment and Training Program (FSET) is a multi-component employment and training program that provides Job Search, Job Search Training, Education, Training and Work Experience to non-public assistance Food Stamp recipients. The program's role is to provide food stamp recipients with opportunities that will lead to paid employment and decrease dependency on assistance programs.

See [Appendix I](#) for a list of agencies that operate the FSET program.

B. REFERRAL TO FSET

1. Eligibility Process

The Eligibility Worker (EW) is responsible for determining if a recipient is mandatory for the FSET program and referring these individuals to the FSET Program. Registrants are referred to the FSET program at the time of application or reapplication and every twelve months thereafter. Registrants must also be referred at the time a change occurs in the exemption status which causes the individual to become non-exempt. New household members, added during the certification period, must be registered at recertification. (See [Part VIII.A.](#) for a discussion on the registration exemptions.)

- a. An Employment Services Registration Form must be completed and forwarded by the EW to the FSET Worker within 5 days after the household is certified. (See [Part XXIV](#) for the registration form.)
- b. Every twelve months thereafter the EW completes an Employment Services Registration Form for each nonexempt household member. The EW must forward the completed form to the FSET Worker within 5 days after certification.
- c. The EW must submit any changes in work registration information to the FSET Worker within 30 days from the date the change becomes known to the EW.
- d. At each recertification, the EW must evaluate all household members to determine if the work registration exemptions for each household member are valid or if the prior 12-month registration period has ended. Individuals must be registered if they are no longer exempt or re-registered if the 12-month registration period has ended.

2. Registrant Categories

- a. New Registrant - registrant has not been included in the on-board count for the current Federal Fiscal Year (10/01-9/30).
- b. Re-registrant - registrant has been included in the on-board count for the current Federal Fiscal Year (10/01-9/30).

3. FSET Categories

- a. Active - a category in which registrants with no barriers to employment are placed.
- b. Pending - a category in which registrants are placed when they cannot move immediately into an activity or when they have short-term barriers to employment (less than 60 days).
- c. Inactive - a category in which registrants with long-term (60 or more days) or substantial barriers to employment are placed.

Barriers may include, but, are not limited to:

- 1. unavailability of dependent care;
- 2. unavailability of transportation;
- 3. second and third trimester pregnancies;
- 4. medical problems that would make participation impractical.

C. ASSESSMENT

The purpose of the assessment is to identify the registrant's job readiness and, if appropriate, to develop a plan that outlines the registrant's future course of action in the program, ultimately leading to self-sufficiency.

There are three types of assessments: pre-assessments, initial assessments and reassessments. Assessments may be conducted either individually or in a group.

1. Pre-Assessment

A pre-assessment may be conducted for any registrant due for an initial assessment, except for persons in a non-waived locality who

are subject to the Work Requirement of [Part XV](#), i.e., "Able-Bodied Adults Without Dependents" (ABAWDS). Food stamp benefits for these individuals are time-limited so they need to have an initial assessment done immediately. See [Appendix I](#) of Part XV for a list of waived agencies.

- a. If the FSET worker has sufficient reason to believe that a registrant's mandatory status needs to be reevaluated, this must be communicated to the EW on the Communication Form or by other appropriate means. The EW must review the registrant's status and inform the FSET worker of the outcome within 30 days. While waiting for the EW to provide the status verification, the registrant will be assessed and assigned to the pending category. See [Part XXIV](#) for the Communication Form.
- b. The pre-assessment may be conducted face-to-face, by mail or by phone.
- c. If conducted by mail, the registrant is required to complete and return the pre-assessment form to the agency within 14 calendar days. The registrant must be provided with a self-addressed, stamped envelope in which to return the form. The FSET worker must send the registrant a letter informing him/her of the following:
 1. The purpose of the FSET program.
 2. The reason for completing the pre-assessment form and the date by which the form is to be returned to the agency.
 3. That failure to complete and return the form by the required date may affect the registrant's eligibility for Food Stamps.
 4. How to contact the FSET worker if the registrant is unable to complete and return the form by the required date.
- d. Based on the answers given by the registrant on the pre-assessment form, the worker must decide if the registrant will be scheduled for an initial assessment (with the intent of placing the registrant in an active component) or if the registrant will be placed in a pending or inactive category. If the decision is to schedule the registrant for an initial assessment, this assessment must be scheduled within 30 calendar days of receipt of the original referral.

- e. Registrants placed in either the pending or inactive categories will not be required to have a Plan of Participation completed. The Contact Sheet must be documented with the reason for placement in the pending or inactive category and the beginning and ending dates of the placement.

2. Initial Assessment

- a. The FSET worker must assess each registrant within 30 days of receipt of the registration form, even if a Pre-Assessment was completed, unless the registrant was placed in a pending or inactive category. Persons whose benefits are time-limited must be assessed immediately, unless the registrant resides in a waived locality. For registrants in waived localities, the 30-day time period will apply.
- b. The assessment must be a face-to-face interview (individual or group) between the registrant and the FSET worker.
- c. The FSET worker must send the registrant a letter informing him/her of the date of the assessment interview. The letter must explain that appearance for the interview is a condition of continued eligibility for Food Stamps and that the consequence of not attending the interview may be termination of food stamp benefits. The letter must also tell the registrant how to contact the FSET worker, and must advise the individual that he/she must contact the FSET worker if he/she is unable to attend the interview or if he/she needs to reschedule the appointment. To the extent possible, employed registrants must have their initial assessment interviews scheduled at a time that does not require them to take time off from work.

3. Procedures

- a. The FSET Assessment Form or an assessment tool that has been pre-approved by the Central Office FSET Worker must be completed on each participant. See [Appendix III](#) of this Part for the Assessment form.
- b. The assessment must include the following:
 - 1. An identification and evaluation of the registrant's recent work history, occupational skills, education and training and a determination of the individuals ability to read and write English.

2. An identification of the registrant's employment goal(s).
3. A detailed evaluation of supportive service needs.
- c. The FSET worker must inform the registrant of the following information:
 1. program goals;
 2. program requirements, including an explanation of responsibilities and expectations for registrants;
 3. penalties for failure to comply, without good cause, with program requirements;
 4. what constitutes good cause for not complying with program requirements;
 5. name and phone number of the FSET worker or other persons who might need to be contacted; and
 6. requirement to respond to all agency correspondence.
- d. After the assessment, the FSET worker must determine the registrant's ability to participate in the program.
 1. A registrant who has no substantial barriers to employment must be assigned to a component, placed in an active status and be subject to the full requirements of the FSET program.
 2. A registrant who has substantial barriers to employment that are anticipated to last 60 days or more must be placed in an inactive status.
 3. A registrant who has short term barriers to employment that are anticipated to last less than 60 days must be placed in pending status and reassessed at the end of the length of time his/her barrier will last.
- e. If the FSET worker has sufficient reason to believe that a registrant's mandatory status needs to be reevaluated following the assessment, this determination should be communicated to the EW on the Employment Services Programs Communication Form. If the reevaluation is requested for medical reasons, the medical problem should be obviously visible to the FSET worker or the FSET worker should have reasonable evidence that a

medical problem exists. It is the responsibility of the registrant to obtain a medical statement from a physician if requested to do so by the FSET worker. Copies of all documentation must be forwarded to the EW at the time the reevaluation is requested.

The registrant may be assigned to the pending category for up to two (2) months while awaiting the outcome of the EW's reevaluation.

4. Plan of Participation

- a. For initial assessments and reassessments, the FSET worker must develop a written Plan of Participation with the registrant, recording the outcome of the assessment.

1. For registrants placed in an active status, the Plan must:

- a. state the component to which the registrant is assigned; the specific responsibilities of the participant and the agency, including, but not limited to, the expected levels of participation, attendance and/or the requirement to return information to the FSET worker and report changes which impact employment and/or participation;
- b. identify the component begin and end dates;
- c. describe the supportive services needed by the registrant to carry out the assignment;
- d. describe a plan for monitoring the registrant's progress while he/she is participating in a component.

2. For registrants placed in a pending or inactive status, the Plan must document:

- a. that active participation will not be required at this time;
- b. the time frame of the placement;
- c. the reason a registrant's ability to participate is restricted.

3. A new Plan must be completed whenever the registrant is assigned to a different component. If the registrant is reassigned to the same component, the current Plan must be updated. A copy of the updated Plan must be given or mailed to the registrant.
4. Both the FSET worker and the registrant must sign the Plan if the Assessment is conducted face-to-face.
5. Reassessment
 - a. A reassessment must be conducted whenever a registrant completes the requirement of a component or when a re-evaluation of an individual's placement in a pending or inactive category is required.
 1. The reassessment must take place no later than 30 calendar days following the completion of the component activity.
 2. Assignments to some categories and/or components may be long-term. In those situations, reassessments must be conducted with the following frequency:
 - a. registrants placed in a pending category must be reassessed at least every 2 months;
 - b. registrants in education, training and work experience components must be reassessed at the end of the scheduled component's completion;
 - c. registrants placed in an inactive category must be reassessed every 6 months or more frequently if circumstances warrant.

Procedures for the reassessment will be the same as the initial assessment procedures that are outlined in [Section D.3](#).

Note: A registrant may be reassigned to the same component.

D. PROGRAM COMPONENTS

Individuals participating in any program component other than Job Search must be monitored monthly for attendance of scheduled hours. In addition, individuals participating in an education, training and/or work experience component must be monitored for satisfactory progress at periodic intervals.

The total hours a non-ABAWD registrant may participate in one or more FSET components together with any hours worked for compensation (cash or in-kind) must not exceed 120 hours in any month. ABAWDS are limited to 20 hours a week of participation in FSET components, except for the work experience component which uses the formula of the allotment divided by the minimum wage to determine the number of hours of participation.

For purposes of the FSET evaluation full-time employment is defined as employment of at least 30 hours per week and part-time employment is defined as less than 30 hours per week.

1. Job Search

This component requires that registrants make a predetermined number of inquiries to prospective employers over a specified period of time.

- a. Registrants assigned to this component must participate in up to 8 weeks of job search every 12 months.
- b. Job Search may be conducted individually or in a group setting.
 1. Individual

A registrant makes a predetermined number of job contacts on his/her own.
 2. Group

A group of registrants access telephones, computers, fax machines, newspapers, photocopiers and any other equipment to aid in a job search.
- c. The registrant must schedule up to 48 job interviews or submit up to 48 applications/resumes to prospective employers per 8-week session. The FSET worker must provide support and direction to the registrant throughout the job search assignment.
 1. The registrant must be registered with the nearest Virginia Employment Commission Office. Registration with the Virginia Employment Commission will be considered as one employer contact.
 2. The registrant must report employer contacts in writing to the FSET worker by completing the FSET Job Search Form.

3. To qualify as an employer contact, four conditions must be met:
 - a. The registrant must present himself/herself to an employer as being available for work;
 - b. The employer must ordinarily employ persons in areas of work for which the participant is reasonably qualified by means of experience, training or ability;
 - c. The participant cannot count the same employer more than once during a given job search period unless he/she applies for different positions; and
 - d. Contacts with employers will only be in the form of face-to-face interviews or by submission of applications or resumes to businesses that are hiring.
4. The FSET worker may contact any employer listed on the FSET Job Search Form to verify the contact.
- d. The specific requirements of Job Search will be determined by the local agency and described in each agency's Local FSET Plan.
- e. Registrants who obtain full-time employment while participating in the Job Search component will have fulfilled all program requirements for that assignment. The FSET case must be closed after receipt of notification from the EW stating:
 1. the food stamp case is closed; or
 2. the registrant is now exempt.
- f. Registrants who obtain full-time employment during Job Search, but lose that employment during the first 30 calendar days, are required to complete their job search. For example, if a registrant assigned to Job Search was required to have 24 job contacts but had completed only 17 at the time of employment, he/she would now be required to make 7 more contacts.
- g. Registrants who obtain part-time employment during Job Search and remain employed for 30 calendar days or more will have fulfilled all program requirements for that assignment. The

FSET case must be closed after receipt of notification from the EW stating:

1. the food stamp case has been closed;
 2. the registrant is now exempt.
 - h. Registrants who obtain part-time employment during Job Search, but lose that employment during the first 30 calendar days, are required to complete their job search requirement.
 - i. If at the end of the job search assignment, the registrant is unemployed or employed part-time and remains registered, he/she must be re-assessed and assigned to an appropriate component within 30 days.
 - j. Registrants who are employed part-time will continue active participation in FSET with their activities scheduled around their work hours.
 - k. The Job Search component does not qualify as a work program for the purpose of maintaining food stamp eligibility for individuals whose benefits are time limited (ABAWDS).
2. Job Search Training

This component strives to enhance the job readiness of registrants by providing job seeking techniques and methods to increase motivation and self-confidence.

- a. Job Search Training includes activities that may consist of job skill assessments, job finding clubs, training in techniques for employability, job placement services, or other direct training or support activities, including educational programs to expand the job search abilities or employability of the registrant. The annual FSET plan must describe whether the local department will utilize Job Club or other group methods. If a group process other than Job Club is used; the annual FSET plan must describe that process. Examples of some acceptable programs are as follows:
 1. Job Club
 - a. Job Club is a tightly-structured, extensive program including instruction in job search methods, extensive use of the telephone to obtain job leads

and interviews, peer support, direct monitoring of participant activities, and self-placement through job search.

- b. Classroom instruction provides the participant with sound skills for finding and keeping employment.

2. Nutrition Class

- a. Classroom instruction on how to pack a nutritious lunch.
- b. Classroom instruction on how to provide nutritious meals for a household and still be employed.

- b. The Job Search Training component does not qualify as a work program for the purpose of maintaining food stamp eligibility for individuals whose benefits are time-limited (ABAWDS).

3. Work Experience

This work component is designed to improve the employability of participants through actual work experience and/or training and to enable them to move into regular employment.

The work experience placement may be followed by two (2) weeks of job search.

The primary focus of work experience is the development of good work habits, additional job skills, positive work attitudes, an understanding of the employee-employer relationship, and to obtain a recent job reference.

The Work Experience component qualifies as a work program for the purpose of maintaining food stamp eligibility for individuals whose benefits are time-limited (ABAWDS).

a. Time Frames

- 1. The number of weeks a registrant may participate depends on the job site.
- 2. The number of hours a registrant is required to work in any one month is determined by dividing the **household's allotment for that month, including any month for which benefits are prorated**, by the federal minimum wage.

3. If two or more registrants in the same food stamp household participate in Work Experience, the combined hours worked cannot exceed the number of hours that result from dividing the household's allotment by the federal minimum wage.
4. The amount of time used in traveling to and from the job site is not included when determining the number of hours the participant can work.
5. The registrant cannot be required to be on a work site more than 120 hours per calendar month.
6. A registrant may volunteer to work more than the required number of hours, but the State will not provide Worker's Compensation coverage for the additional hours.

b. Assignment Criteria

Each assignment must take the prior training, experience, skills and employment goal(s) of the registrant into consideration in order to determine whether:

- The individual is in need of additional job skills and/or
- Work experience will yield a job reference or the development of good work habits or job skills.

c. Limitations

The use of the Work Experience component is limited by the following:

1. Registrants must not be required to use their personal resources to pay participation costs.
2. Participants in the Work Experience component must not displace persons currently employed or be placed in established, unfilled positions.

Participants must not perform tasks that would have been undertaken by current employees or which would have the effect of reducing the work hours of paid employees. Work Experience participants cannot be placed in the position of workers who are on sick leave, annual leave, leave without pay, or any other granted leave with or without pay, as that would be an act of displacement.

3. Registrants must not be assigned to projects that require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent. A round trip in excess of two hours from the registrant's home to the work site is considered an unreasonable distance in any situation. The transportation time determined reasonable must be relative to the number of hours being worked in a day.

e. Worker's Compensation

For Worker's Compensation purposes only, the State Department of Social Services is considered the individual's employer. The State Department of Social Services provides coverage for all Work Experience participants for the hours of participation that are mandated. In the event that a claim must be filed, the following procedures will be followed:

1. The work site personnel must immediately complete the Employer's First Report of Accident form (VWC Form No. 3). The original and all copies must be clearly coded in the upper right-hand corner with 0765-000e, *FSET WORK EXPERIENCE PARTICIPANT*. See Appendix II of this Part.
2. The work site must mail the original copy of the Employer's First Report of Accident form, all bills, and physician reports to:

**Virginia Department of Human Resource Management
Division of Workers' Compensation and Safety
101 N. 14th Street, 12th Floor
Richmond, VA 23219**

3. The work site must send a copy of the accident report to the FSET Worker at the local agency.
4. Physicians should be instructed to submit their invoices and Attending Physician's Report directly to the claims office at the Division of Risk Management. All invoices must show the participant's/employee's social security number.

4. Education

This component provides educational programs or activities to improve basic skills or otherwise improve employability of participants.

The Education component qualifies as a work program for the purpose of maintaining food stamp eligibility for individuals whose benefits are time-limited (ABAWDS).

- a. Educational placements must be based on an assessment which indicates that placement is necessary to develop job readiness and that educational deficit seems the primary barrier to employment.
- b. Educational programs to which registrants can be assigned include, but are not limited to:
 1. Adult Basic Education;
 2. GED;
 3. Vocational Education;
 4. Community College Programs;
 5. Post-Secondary Education;
 6. Employment Training and Education Programs.
- c. Participation in an education program is limited to the amount of time generally allowed for the completion of the curriculum.
- d. During a registrant's participation in an education program, his/her progress must be monitored to ensure that satisfactory progress, as defined by the institution, is being made. This should coincide with the end of the institution's quarter or semester grading period. However, at a minimum, an evaluation may consist of documentation, such as a report card, showing the registrant's grade(s). Registrants not progressing satisfactorily may be assigned to another activity that will more adequately move them toward employment.
- e. Attendance must be monitored on an on-going basis. The Time and Attendance Report may be used for this purpose.
- f. The completion of an education assignment may be followed by two weeks of job search.

5. Training

This component provides training in a skill or trade that should improve the employability of participants and allow the participant to move directly into employment.

- a. Training placements must be based on an assessment that indicates training is necessary to improve the registrant's employability.
- b. Training programs to which registrants may be referred include, but are not limited to:
 1. Computer classes,
 2. Vocational Rehabilitation,
 3. Employment Training and Education Programs.
- c. Participation in training programs is limited to the amount of time generally allowed for the completion of the program.
- d. During the registrant's participation in a training program, his/her progress must be monitored to ensure that satisfactory progress, as defined by the training facility, is being made. However, at a minimum, an evaluation may consist of documentation from the training facility that shows the registrant's progress. Registrants who are not progressing satisfactorily may be assigned to another activity that will more adequately move them toward employment.
- e. Attendance must be monitored on an on-going basis. The Time and Attendance Report may be used for this purpose.
- f. The completion of a training assignment may be followed by two weeks of job search.

E. SOCIAL/SUPPORTIVE SERVICE

Social/supportive services may be provided to participants in the FSET program, including volunteers, for expenses that are reasonably necessary and directly related to participation in the FSET program. Agencies are encouraged to explore alternatives to removing barriers if supportive service funds are limited.

If supportive services are essential for participation in a component and neither the registrant nor the agency can provide them, and no alternatives are available, the registrant cannot be required to participate in a component and cannot be sanctioned for noncompliance. In these situations, the participant will be placed in either pending or inactive status.

The need for any supportive services must be linked to needs identified on the registrant's Plan of Participation.

Registrants who have been sanctioned are not entitled to supportive services while in sanction status unless such services are necessary for the participant to perform a verifiable act of compliance.

1. FSET Worker Responsibilities

- a. The FSET worker is a case manager. The worker must assist the registrant in meeting his/her service needs. This may be done directly by the FSET worker or through a referral to a service/social worker or an outside service provider.
- b. When providing social services to recipients, the Plan of Participation may replace the Service Application regardless of the funding source for the service.

2. Social/**Supportive** Services for Registrants

There are four categories of social/**supportive** services available to FSET registrants. These FSET social/**supportive** services may be provided directly or may be purchased.

a. Child Day Care

Child day care services are provided to enable a caretaker to participate in program components.

1. Arrangement for and/or payment of child day care as a supportive service must be provided when the registrant needs this service to participate in component activities.
2. Participants who are parents of school age children are expected to search for a job during the hours that the children are in school. However, if a job interview must take place outside of school hours, childcare may be authorized.
3. Registrants who need day care and who cannot arrange their own may be provided assistance. Payment will be made within the guidelines of child day care policy. Payment may also include child day care related transportation costs.

b. Transportation

This service is provided to enable participants to travel to and from authorized FSET activities.

1. The registrant is primarily responsible for arranging transportation to participate in an FSET component. Transportation will be provided only when the registrant is unable to make his/her own arrangements.
2. Transportation may be provided by any of the following means:
 - a. Agency or public transportation;
 - b. Individuals other than public transportation. In this circumstance, payment is made to the individual provider. Such payment must be pre-authorized and reimbursement cannot exceed the current mileage reimbursement rate. A reimbursement type purchase order may serve as a pre-authorization; or
 - c. Commercial establishments. For example, a client who needs gas for his/her car could receive a voucher that a gas station would honor. Through the purchase order/invoice system, the station would receive payment.

c. Medical/Dental Services

1. Payment for Medical/Dental services must directly relate to FSET activities and exclude medical/ dental services covered by the State Medical Assistance Plan (Medicaid).
2. Medical/dental services include, but are not limited to, payments for medical statements or other necessary medical verifications; and payments for dentures, glasses, orthopedic shoes, or other items needed by participants to participate in a component.

d. One-time Emergency Intervention

1. Payment of one-time crisis expenses is allowable when needed to enable a registrant to participate in an FSET component.
2. Expenses which are allowable include, but are not limited to:
 - a. Automobile repairs;
 - b. Automobile insurance;
 - c. Uniforms;
 - d. Work shoes;
 - e. Purchase of an initial set of tools or equipment.

3. Duration of FSET Services

FSET social/**supportive** services may be provided for as long as the individual needs the service to participate in an FSET component.

F. VOLUNTEERS

A Food Stamp recipient who is exempt from the work registration requirement may volunteer to participate in the FSET program.

1. Agencies may, to the extent they choose, permit volunteers to participate in an FSET component.
2. The same assessment procedures that apply to mandatory registrants will apply to volunteers.
3. Volunteers are not subject to sanction for failure to comply with FSET requirements.
4. The hours of participation in any component may not exceed the hours required of mandatory FSET registrants.
5. Social Services reimbursements/payments for transportation and daycare may only be made for expenses that are reasonably necessary and directly related to participation in the FSET program.

Example

A volunteer works part-time and has been assigned to the training component for 5 hours a week. Child day care services may only be provided for the 5 hours that the individual participates in the Training activity.

G. CHANGES/TRANSFERS

1. The FSET worker must notify the Eligibility Worker of any changes in the registrant's situation that may affect the food stamp allotment or the individual's exemption status. This notification must be in writing and must occur within five working days of the change. The Communication Form must be used for this purpose.
2. Food Stamp cases are not transferred from one locality to another. If an individual moves to another locality the FSET case must be closed and the individual's status determined in the new locality.

H. CONTRACTS

Agencies may enter into financial agreements with individuals or organizations to operate all or portions of their FSET program. Agencies are bound by State statutes set forth in the Virginia Public Procurement Act and by any local procedures that may supersede the Act. Contracts with other state entities, including community colleges and **WIA** Service Delivery Area (SDA) are not subject to the requirements of the Virginia Public Procurement Act, but may be subject to local procurement procedures.

1. A copy of the contract must be submitted to the Central Office Food Stamp Unit for the purpose of maintaining a central library of FSET contracts. The contract should define what is to be monitored and evaluated for contract effectiveness.

2. Consideration in Contracting

Numerous individuals and agencies, both public and private, in almost every area of the State are capable of delivering services under an agency's FSET Plan. Prior to contracting, however, the agency should ascertain that the contractor could provide services of an equal or higher quality and/or at a lower cost than the agency itself. Care should be taken to insure that the contract represents an extension of services, rather than compensation for services previously provided at no cost. The contract must contain a certification from the provider that the services being contracted for are not otherwise available from the provider at no cost.

3. Services that can be contracted

Any program activity or service may be contracted.

4. Selection of Service Providers

When selecting service providers, the local agency must take into account such things as the past performance of the contractor in providing similar services, the contractor's demonstrated effectiveness, fiscal accountability, cost efficiency and other factors which the local agency determines are appropriate. A process must exist that documents these factors were considered.

5. Expected Services

The deliverable services of the contract should be written in such a way as to identify the performance and outcomes acceptable through the contract. These performance measures and outcomes will assist in determining the success of the contract. The definition of effectiveness and progress measures for the contract should be agreed upon prior to the start of the contract. Success should be defined incrementally and in terms of completion.

6. Payment and Reimbursement

Payment for a contract should always be linked to contract performance. Payments are typically prorated according to quantifiable rates of progress and/or performance. Most of the time, expenses are submitted for reimbursement. Under specific but rare circumstances, advances are allowed. A detailed budget should be attached to the contract.

7. Contract Duration

Contracts can be negotiated for any period of time agreeable to both the agency and the contractor so long as they terminate by the end of the fiscal year. To allow local agencies maximum flexibility in operating the FSET Program, contracts may be negotiated for a period of six months (or less) rather than for a year. Agencies who choose to contract for 12 months and who later become dissatisfied with the contractor's performance may terminate the contract by providing notice as stated in the contract.

8. Contract Requirements

a. Format

The agency must use the revised contract format approved by the

Attorney General's Office in contracting. Other formats may be utilized in addition, if required by the local government. A completed version of the state-approved format must be signed and sent to the Central Office along with a description of the services to be provided. The contract must show the total cost for all contracted services between the agency and the contractor. If more than one service will be provided, a separate cost for each service should be included in the description of the services.

b. Description of Services

Each service to be provided by the contractor must be described in full. Agencies contracting out more than one service will need to develop a description of each service.

The description must contain:

1. A summary of activities included in the service;
2. An explanation of roles of the contractor and agency in providing the service;
3. An explanation of the contractor's responsibility regarding required reporting;
4. A description of the numbers and kinds of clients who will receive the service (age, volunteers, and high school graduates, etc.);
5. A statement of the time frame for the service, including beginning and ending dates; and
6. A description of the specific anticipated outcomes.

c. Contract Monitoring

1. It is the responsibility of the local agency to monitor each contract on a frequent basis to ensure both that the terms of the contract are being met and that progress is being made toward achievement of the outcome goals.

Monitoring may be carried out through review of reports made by the contractor and contract site visits. At a minimum, the agency must require the contractor to submit monthly client specific progress reports as well as quarterly reports. The quarterly report should include

information on overall contract progress, identified problems and client outcomes. The final annual report should provide an objective review of summarizing the overall program operations for the contract period as well as client specific outcomes/progress.

2. It is the responsibility of the local agency, based on information from its monitoring of the contract, to determine the appropriateness of future contracts with the same contractor.

I. SANCTIONS

A sanction is the denial or suspension of assistance to those persons who refuse to register for employment or who do not comply with FSET requirements.

Food stamp recipients who are determined mandatory for the FSET Program and who have signed the FSET registration form are required to participate in the FSET program. Registrants are subject to sanction if they fail to participate in the FSET program without good cause.

1. Good Cause for Failure to Participate

- a. Prior to imposing a sanction, the FSET worker must determine that a good cause reason for failure to comply did not exist at the time of noncompliance. Documentation must be requested from the participant as part of the evaluation.
- b. A participant who has good cause for noncompliance will not be sanctioned. Good cause exists if:
 1. The participant's inability to fulfill program requirements is due to circumstances outside his/her control or is the result of a change in circumstances over which the participant had no control;
 2. Childcare is necessary for an individual to accept employment or enter or continue in the program, and childcare cannot be arranged by the recipient nor provided by the agency.
 3. Transportation is necessary for an individual to accept employment or enter or continue in the program, and transportation can not be arranged by the recipient nor provided by the agency.

- c. The good cause investigation will consist of an evaluation of information in the case record. When there has been no recent contact with the participant, efforts must be made to determine if the participant has contacted the FSET worker to discuss the problem, giving a reason for not attending an interview, or for not completing an assignment, or having not kept any program related appointment.
- d. A reasonable effort must be made to contact participants who are unable to read. The worker must document that an attempt by telephone or a personal contact has been made prior to referring the case for sanctioning.

The purpose of this contact is to ensure the participant understands the mandatory nature of the program and has an opportunity to explain the reason for noncompliance.

2. Reasons for Applying FSET Sanctions

Failure to:

- a. complete and return the pre-assessment form or other requested information by the required date;
- b. report for scheduled appointments and/or interviews;
- c. actively engage in Job Search or to complete requirements designated in the annual local FSET plan and state policy;
- d. report to or complete a Work Experience assignment, including job search;
- e. report to or complete assigned education and training activities, including job search;
- f. report to or complete other assigned FSET activities as stated on the Plan of Participation;
- g. accept available supportive services, thereby preventing participation in any mandatory program activity;
- h. accept a bona fide offer of suitable employment. A bona fide job offer is an actual job offer given in good faith without dishonesty, fraud or deceit. The job offer must:
 - 1. not be beyond the physical or intellectual capabilities of the registrant; and

2. provide reasonable compensation (either the federal minimum wage or the prevailing wage in the community for that type of job).
 - i. report to an employer to whom the registrant was referred by the FSET worker.
 3. Required Documentation
 - a. A copy of all correspondences with the registrant must be in the case record.
 - b. The Plan of Participation (unless the registrant fails to appear for assessment, or appears but refuses to participate in the assessment) stating the FSET activity to which the registrant was assigned and any actions required by the participant.
 - c. Contact Sheet documenting all contacts with the registrant.
 - d. FSET Notice of Sanction.
 - e. Any referrals to an education, training or work experience provider.
 - f. Any records of registrant's performance or progress in an activity.
 - g. Any records of registrant's attendance, i.e. The Weekly Time and Attendance Record or the Work Experience Attendance and Performance Record.
 4. FSET Notice of Sanction
 - a. This notice is sent to a participant prior to the referral to the EW for sanction.
 - b. The FSET worker must send the Notice within three working days of the date he/she becomes aware of the act of noncompliance.
 - c. The Notice must inform the registrant of the specific requirement that was not met and advise the registrant to contact the FSET worker within five working days from the date the Notice of Sanction was mailed to establish good cause. The Notice must also inform the registrant that the FS allotment might be terminated or reduced.

1. If the registrant does not respond to the Notice by the date given, he/she must be referred to the EW for sanctioning.
2. If the registrant responds to the Notice, the information becomes part of the documentation needed to determine if the sanction will be imposed. If the registrant does not present good cause, he/she must be referred to the EW for sanctioning. If good cause is determined to exist, no sanction will be imposed.

5. Sanction Process

- a. In agencies in which both the FSET program and the FS case are not managed by one worker, the FSET worker must advise the EW that a sanction is required, when to impose the sanction and which time period to impose. The Communication Form must be used. The EW must send the participant the Food Stamp Sanction Notice for Non-Compliance with A Work Requirement to explain the reason for the sanction, the amount of benefit reduction to be imposed, and the duration of the sanction.

In agencies in which both the FSET program and the FS case are managed by one worker, that worker must send both the FSET Notice of Sanction and the Food Stamp Sanction Notice For Non-Compliance With A Work Requirement at the appropriate times.

- b. The sanction must be imposed the first month following the month in which the case was referred for sanctioning, if administratively possible. If not administratively possible, the sanction will be imposed the following month.
- c. The FSET case must remain open until the EW notifies the FSET worker that the sanction is in effect (i.e., the food stamp case has closed or the non-complying individual has been removed from the allotment).
- d. See [Part VIII.C](#) for a discussion of sanction periods.

6. Determining Compliance after the Sanction Is Imposed

The sanction period must be served before the household or individual is eligible again except in instances when the individual who caused the action leaves the household or becomes exempt from work registration **or from FSET requirements**. The individual must comply with the FSET program requirements to the satisfaction of the FSET worker.

J. APPEALS/HEARINGS

1. Right of Appeal

All registrants have the right to appeal any agency decision that might result in adverse action being taken against them.

The appeal process in place for the food stamp certification actions must be used to ensure fair hearings for recipients who wish to contest the actions taken by the agency as a result of their non-compliance with FSET requirements. See [Part XIX](#) for the appeals process.

If the registrant files a valid appeal within the established time frame, the food stamp allotment must be reinstated until the hearing officer renders a decision **unless the household does not want the benefits to continue.**

2. Hearings

a. For all appeals involving FSET sanctions, with the exception of the situation in which a household member refuses to register, the following procedures must be followed:

1. The Eligibility staff must notify the FSET worker of the date and time of any pre-hearing conference and of the date and time of the appeal hearing set by the hearing officer.
2. A representative of the FSET Unit must be present during the pre-hearing conference and the appeal hearing.
3. The summary of facts must be prepared jointly by the EW and the FSET worker.

See [Part XIX](#) for additional procedures for the fair hearing process.

b. The FSET case must remain open until a decision is rendered.

1. If the agency action is reversed, the registrant must be reassessed to determine the appropriate component assignment.
2. If the agency action is sustained, the FSET case must be closed.

K. STATISTICS AND REPORTING

Local agencies operating the FSET Program must provide program statistics. The information must be reported on the FSET Statistical Report Form. An original copy of this form is to be mailed to:

VA Department of Social Services
Division of Finance
7 North Eighth Street
Richmond, VA 23219

The local agency should maintain a copy of the completed form. The form must be mailed so that it is received by the Division of Finance by the tenth calendar day after the close of the report month. Direct questions about the form to the Division of Finance at (804) **726-7210**.

L. LOCAL FOOD STAMP EMPLOYMENT AND TRAINING PLAN

Each Local Agency must submit an annual FSET Plan to the State Department of Social Services by July 1st of each year. The plan must describe the locality's FSET program and must follow the following format:

1. Intent of the FSET program in the locality.
2. A numerical description of the FSET population.
 - a. ABAWDS - persons who are eligible for time-limited benefits through the Work Requirement
 - b. Non ABAWDS - persons exempted from the Work RequirementSee [Part XV](#) for the discussion of the Work Requirement.
3. The employment needs of the population.
4. Information regarding local labor market trends.
5. The number of workers with FSET duties.
6. The locality's budget for the FSET program. This is the total FSET allocation broken down into the areas where the money will be spent. This may include salaries, fringe benefits, purchases, contractual costs, etc.
7. A plan of participation by component.
8. A detailed description of the local agency's Standard Operating Procedures that address these elements:

a. Referral and Case Opening Procedures

1. The procedure by which a potential participant is referred.
2. The steps for opening a case once it has been referred and the time frame by which this must be done.

b. Assessment Procedures

1. Describe what will be used to identify and evaluate the participant's occupational skills, strengths, and weaknesses. Describe how this information will be used to assess immediate employability.
2. Describe procedures for conducting educational tests and assessments. Include the following in the description of the procedures:
 - Assessment tools that will be used
 - Types of tests to be used
 - Criteria for determining who should be tested
 - Incorporation of test results into case records
 - Staff responsible for conducting assessment
 - Referral procedures if test and assessments are conducted outside of the agency
3. Describe how assessment information of other agencies will be integrated with the FSET assessment. Other agencies include DRS, VEC, and Mental Health.

c. Component Assignment

1. Describe how program components are assigned.
2. Describe the locality's approach to developing and maintaining a current list of local providers for each component.
3. Describe how the agency monitors component activities and evaluates them for effectiveness.

- d. Social and Supportive Services
 - 1. Develop a list of the specific services available to FSET registrants in the locality.
 - 2. Describe how and why spending limits are set and describe what steps will be taken to assure equity for each registrant.
- e. Monitoring Worker Performance
 - 1. Explain how caseloads will be monitored.
 - 2. Describe any locally developed procedures, such as case reading, used in monitoring program effectiveness.
- f. Monitoring Participation and Progress
 - 1. Delineate the optimal time frames the agency has set for completion of each component activity when applicable. Describe the methods and means by which the agency monitors registrant progress in each of the components.
 - 2. Describe how the agency tracks and documents the registrant's advancement in and completion of components.
 - 3. Describe how the agency documents participation hours and how the documentation is maintained.
- g. Contracts
 - 1. Describe the process by which decisions are made to contract for FSET Program services, the factors involved in making these decisions, and the level of responsibility for the decisions. Consideration should be given to the following issues:
 - Local procurement process
 - Development of the contract, including clear outcome measures and quantifiable agency and contractor expectations
 - Contract monitoring
 - Contract termination for non-performance
 - 2. Describe the procedures and timeframes the agency will follow in providing Central Office with copies of the proposed contract.